



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,696	01/26/2004	Sheng Sun	16155ROUS01U	9176
34645	7590	07/10/2009	EXAMINER	
Anderson Gorecki & Manaras, LLP			OSMAN, RAMY M	
Attn: John C. Gorecki				
P.O BOX 553			ART UNIT	PAPER NUMBER
CARLISLE, MA 01741			2457	
			NOTIFICATION DATE	DELIVERY MODE
			07/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

john@gorecki.us
jgorecki@smmalaw.com
officeadmin@smmalaw.com

Office Action Summary	Application No. 10/764,696	Applicant(s) SUN ET AL.	
	Examiner RAMY M. OSMAN	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on April 7, 2009, where Applicant amended claims 1,4. Claims 1-12 remain pending.

Response to Arguments

2. Applicant's arguments, filed 4/7/09, with respect to the rejection(s) of claim(s) 1-12 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Katz et al (US Publication 2006/0291455).

Claim Objections

3. Claim 1 objected to because of the following informalities: On line 14 remove the word "also" (i.e. "may ~~also~~ use"). Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The end of the claim recites "*the wireless client simultaneously may use either...*". This language is unclear since "*simultaneously*" implies that two or more elements are used at the same time, whereas the "*may use either*" implies that only one element at a time is in use.

Art Unit: 2457

Furthermore, the phrase “may use” is an intended use limitation which renders whatever follows as optional and not necessarily part of the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-12 rejected under 35 U.S.C. 102(e) as being anticipated by Katz et al (US Publication 2006/0291455).

8. In reference to claim 1, Katz teaches a method of forming multiple simultaneous wireless connections by a wireless client in a wireless local area network, the method comprising the steps of:

obtaining, by the wireless client, a primary active affiliation between the wireless client and a first wireless access point in the wireless local area network, the primary active affiliation being a first connection that the wireless client may use to send data to the first wireless access point over the wireless local area network (§ 370);

maintaining, the primary active affiliation between the wireless client and the first wireless access point in the wireless local area network while also locating, by the wireless client, at least a second wireless access point in the wireless local area network (§ 421-422);

engaging, by the wireless client, at least one of the located second wireless access points in the wireless local area network to form a second active affiliation between the wireless client and the second wireless access point in the wireless local area network, the second active affiliation being a second connection that the wireless client may also use to send data to the second wireless access point over the wireless local area network, while still maintaining the primary active affiliation between the wireless client and the first wireless access point in the wireless local area network, such that the client simultaneously may use either the primary active affiliation or the second active affiliation to send data on the wireless local area network (§ 423).

9. In reference to claim 2, Katz teaches the method of claim 1, wherein the second active affiliation is a primary affiliation (§ 370, last line says “vice versa”).

10. In reference to claim 3, Katz teaches the method of claim 1, wherein the second active affiliation is a secondary affiliation (§ 370, last line says “vice versa”).

11. In reference to claim 4, Katz teaches the method of claim 1, wherein the step of locating adjacent access wireless access points comprises scanning beacon signals from other wireless access points (§ 421-422).

12. In reference to claim 5, Katz teaches the method of claim 1, wherein the step of obtaining a primary affiliation with the first wireless access point comprises generating a first request to send message and sending the first request to send message to the first wireless access point (§ 370, inherent).

13. In reference to claim 6, Katz teaches the method of claim 5, wherein the step of engaging the second wireless access point comprises generating a second request to send message and sending the second request to send message to the first wireless access point (§ 423).

Art Unit: 2457

14. In reference to claim 7, Katz teaches the method of claim 6, wherein the second request to send message includes identification information about the second wireless access point (§ 423).

15. In reference to claim 8, Katz teaches the method of claim 5, wherein the step of engaging the second wireless access point comprises generating a second request to send message and sending the second request to send message to the second wireless access point (§ 423).

16. In reference to claim 9, Katz teaches the method of claim 8, wherein the second request to send message includes identification information about the first wireless access point (§ 423).

17. In reference to claim 10, Katz teaches the method of claim 1, further comprising receiving first data from the first wireless access point and receiving second data from the second wireless access point (inherent in connection establishment).

18. In reference to claim 11, Katz teaches the method of claim 10, wherein the step of receiving the second data from the second access point is initiated before the step of receiving the first data from the first wireless access point has been completed (§ 370).

19. In reference to claim 12, Katz teaches the method of claim 10, wherein the wireless client has a first IP address associated with the first affiliation and a second IP address associated with the second affiliation (§ 295).

Conclusion

20. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

Art Unit: 2457

21. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

22. In formulating a response/amendment, Applicant is encouraged to take into consideration the prior art made of record but not relied upon, as it is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2457

July 2, 2009